

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

INTERIORS BY PRISCILLA & PERRY, INC.

Debtor

)
)
)
)
)
)

CASE NO. 04-15482

DECISION AND ORDER

At Fort Wayne, Indiana, on January 17, 2006

The chapter 7 trustee in this case has filed four separate motions seeking the court's permission to examine Kathleen Sheridan, Priscilla Walgram, Dr. Gary Frick and Rebecca Frick pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure. The motions state little more than the fact that the trustee wants to examine these individuals "regarding the debtor's acts, conduct, and property." They provide no information concerning the relationship of the proposed examinees to the debtor or the bankruptcy estate, why the trustee believes those individuals might have information regarding the debtor's acts, conduct, and property, or why an examination under oath – as opposed to some less formal and more cooperative exchange of information – might be necessary. To grant the motions under these circumstances would essentially allow trustees (and potentially anyone else for that matter) to conduct a 2004 examination of anyone they wished simply because they wished to do so. If that is all that needs to be shown to obtain an order authorizing a particular examination then the need for court approval is a hollow one. The rules committee might just as well have drafted something along the lines of Rule 30 of the Federal Rules of Civil Procedure, which requires nothing more than a notice and, if appropriate, a subpoena in order to conduct a deposition. It did not and that suggests that some type of showing beyond the mere desire

to conduct an examination should be required before the court authorizes the requested examination.

The trustee's motions are therefore DENIED, without prejudice to resubmission.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court